

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CIVIL ACTION NUMBER 1:17-CV-00184-CCE-LPA

BARRY HONIG, an individual,

Plaintiff,

v.

ROBERT LADD, an individual; **MGT CAPITAL INVESTMENTS, INC.**, a Delaware corporation; **TERI BUHL**, an individual; and **DOES 1-20**,

Defendants.

**CONSENT MOTION FOR
EXTENSION OF TIME**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1(a), Defendants Robert Ladd (“Ladd”) and MGT Capital Investments, Inc. (“MGT”), through counsel, and with the consent of Plaintiff Barry Honig and Defendant Teri Buhl, move the Court to (1) extend by three weeks the time within which Ladd and MGT may respond to the Complaint, up to and including 5 June 2017; (2) should Ladd and MGT file a motion to dismiss the Complaint, extend by three weeks the time in which Honig may file his opposition brief, up to and including 17 July 2017; and (3) extend by one week the time in which Ladd and MGT may file any reply brief, up to and including 7 August 2017. In support of this motion, Ladd and MGT respectfully show the following:

1. Plaintiff Barry Honig filed the Complaint in this action on 3 March 2017. (DE 1). The Complaint alleges, among other things, that Ladd and MGT

conspired with Defendant Teri Buhl to defame Honig in connection with certain statements published by Ms. Buhl on her website. (DE 1 ¶¶ 1-6).

2. On 14 March 2017, Ladd and MGT timely waived service pursuant to Rule 4(d) of the Federal Rules of Civil Procedure. (DE 5, 6). The time for Ladd and MGT to respond to the Complaint will thus expire on 15 May 2017. (*See id.*; Fed. R. Civ. Proc. 12(a)(1)(A)(ii)).

3. Defendant Buhl has not yet been served in this action and just recently retained counsel. Buhl's counsel advises that, having conferred with Honig's counsel, Buhl intends to waive service under Federal Rule of Civil Procedure 4(d).

4. Counsel for Ladd and MGT has conferred with counsel for Ms. Buhl and counsel for Mr. Honig, and all parties agree that extending Ladd and MGT's time to respond to the Complaint will serve the interest of efficiency by, among other things, allowing the parties, including Buhl, to confer regarding the briefing of motions to dismiss filed in this matter and more closely align the timing of the filing of any such motions by the respective defendants.

5. Counsel for Ladd and MGT has conferred with counsel for Mr. Honig and for Ms. Buhl, and each consents to the extension of time sought by this motion.

6. This motion is made in good faith and not for the purpose of delay. The extension sought will not unduly delay the progress of this case, but rather will facilitate the Court's efficient consideration of this matter.

For these reasons, Ladd and MGT respectfully request that the Court grant the motion and thus: (1) extend by three weeks the time within which Ladd and MGT may respond to the Complaint, up to and including 5 June 2017; (2) should Ladd and MGT file a motion to dismiss the Complaint, extend by three weeks the time in which Honig may file his opposition brief, up to and including 17 July 2017; and (3) extend by one week the time in which Ladd and MGT may file any reply brief, up to and including 7 August 2017.

This the 8th day of May, 2017.

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Attorneys for Defendants Robert Ladd & MGT Capital Investments, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I hereby certify that on this day, pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) I sent by electronic means the foregoing document to the following.

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Attorney for Defendant Teri Buhl

This 8th day of May, 2017.

/s/ Jonathan C. Krisko
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